

Litigation - Cyprus

Attorney general's discretion to remit cases to lower court reinstated

Contributed by **Andreas Neocleous & Co LLC**

January 15 2013

Rule 155 of the Criminal Procedure Rules (Cap 155) empowered the attorney general to remit a case to a different, lower court from that given jurisdiction by statute if justice would be served by so doing. For example, a case that would normally be tried in the assize court might be remitted to the district court if the particular circumstances of the case are not serious enough to warrant trial in the assize court.

The rule was abolished in 2011, but has now been reinstated by Law 160(I)/2012.

The maximum term of imprisonment that can be imposed in the district court is five years, irrespective of whether the case has been remitted from the assize court, which has no such limit.⁽¹⁾

The reinstatement of the rule restores the attorney general's discretionary power to remit cases to a lower court if he or she considers that the circumstances of a case reduce its apparent gravity to a level that does not require the involvement of the assize court. The restoration of this discretionary power preserves an essential human aspect of the criminal justice process in Cyprus.

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Endnotes

⁽¹⁾ *Ghafari v Αστυνομίας*, (2001) 2 ΑΑΔ 442.

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